# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/584,318 | 05/31/2000 | Alok Srivastava | A-011 | 2234 |

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| EXAMINER |
|---|
| NGUYEN, CHAU T |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2176 | |

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/584,318 | SRIVASTAVA ET AL. |
| | Examiner | Art Unit | |
| | Chau Nguyen | 2176 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on <u>23 December 2005</u>.

2a)☒ This action is **FINAL.**    2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All  b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

1.     Applicant's submission filed on 12/23/2005 has been entered.  Claims 1-18 are

presented for examination.

### Claim Rejections - 35 USC § 101

2.     35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.     Claims 1-18 are rejected under 35 U.S.C. 101 because an "application program"

is not limited to a tangible embodiment since the application program requires use of

hardware to accomplish operation steps.  Therefore, claims 1-18 are non-statutory as

not being tangible.

### Claim Rejections - 35 USC § 103

4.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

5.      Claims 1-5 and 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meltzer et al. (Meltzer), US Patent No. 6,542,912 and further in view of Call, US Patent No. 6,154,738.

6.      As to claims 1 and 12, Meltzer discloses a method of obtaining information via the Internet from each of a plurality of diverse data resources having different characteristics which comprises, in combination, the steps of:

storing a separate service description for each given data resource in a database, said service description including (col. 4, lines 17-31: a repository (database) stores a library of logic structures, content models, and schematic maps for logic structures, and definition of documents (service description) that comprise logic structures used to build interface description):

an address to which an output information request directed to said given data resource may be transmitted (col. 4, lines 32-54, col. 10, lines 3-42, col. 11, lines 41-58: a market participant document (service description) associating contact and address information with a description of services and financial information, and these services identified by the market participant will specify the input and output documents which that participant is expected respond to and produce),

a specification of the nature of the input information to be supplied by said

requesting application program (col. 3, lines 1-23, and col. 27, lines 15-40), and

a description of the nature of the output information to be returned to said

requesting application program in response to said output information request

(col. 3, lines 1-23, and col. 27, lines 15-40),

establishing an application program interface for accepting service requests in

standard form from said requesting application programs (col. 3, lines 4-58: establishing

an interface for transactions comprising a machine-readable specification of an interface

which includes a definition of an input document and a definition of an output document,

that are accepted and produced by transaction processes for which the node acts as an

interface, and the definitions of the input and output documents comprise respective

descriptions of sets of storage units such as a standard XML based document),

issuing a service request from said requesting application program to said

application program interface, said service request identifying a particular resource (col.

19, lines 16-40: user input identifying a participant, service and document information

generated by graphical interface), and

executing a service interface program in response to said service request, said

service interface program performing the steps of:

obtaining the particular service description for said particular resource

from said database (col. 19, lines 16-40: any referenced logical structures,

interpretation information, document definitions and/or service definitions are

retrieved from the repository in response to user input via the graphical

interface),

obtaining input information conforming to said specification contained in

said particular service description from said executing application program and

supplying said input information to said particular resource (col. 3, lines 4-58:

establishing an interface for transactions comprising a machine-readable

specification of an interface which includes a definition of an input document and

a definition of an output document, that are accepted and produced by

transaction processes for which the node acts as an interface, and the definitions

of the input and output documents comprise respective descriptions of sets of

storage units such as a standard XML based document; col. 24, line 56 – col. 25,

line 5), and

routing output information provided by said particular resource in response

to said output information request to said executing application program (col. 24,

line 56 – col. 25, line 5).

However, Meltzer does not explicitly disclose producing an information request

message that includes said input information, and transmitting said information request

message to the Internet address included in said particular resource. In the same field

of endeavor, Call discloses receiving Internet request messages containing all or part of

a universal product code and returning the Internet address at which information about

the identified product or the manufacturer of that product may be obtained via Internet

(Abstract and col. 5, lines 29-42). Since Call discloses a method for communicating

between manufacturer and resellers and consumers, which is similar to commercial transactions between customers and suppliers of Meltzer, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Call and Meltzer to include transmitting said reformatted request to the Internet resource address and receiving a raw response via the Internet. Call's system enables the retrieval of information about products from the source of the manufacturer and also provide low cost, worldwide and bi-directional communication between manufacturer and consumers.

7.     As to claims 2 and 13, Meltzer and Call disclose wherein said step of storing a separate service description for each given data resource comprises registration means for accepting service description information in a predetermined format (Meltzer, col. 9, line 44 – col. 10, line 42: participants are able to send documents (service description) to a market marker node, at which the document is identified and routed to an appropriate participant which has registered to receive such documents as input in an XML format).

8.     As to claims 3 and 14, Meltzer and Call disclose wherein said predetermined format is the Extensible Markup Language (Meltzer, col. 10, lines 3-42).

9.     As to claims 4 and 15, Meltzer and Call disclose wherein said service description as expressed in Extensible Markup Language is validated against a Service Descriptor

schema which specifies the content of said service description before said service description is stored in said database (Meltzer, col. 11, line 13 – col. 12, line 13).


10.    As to claims 5 and 16, Meltzer and Call disclose wherein said service description as stored in said database further comprises contact information specifying a person or entity supplying the resource described in said service description (Meltzer, col. 10, lines 3-42).


11.    As to claim 8, Meltzer discloses apparatus for processing a request for information form a specified resource which comprises, in combination,

a database for storing a service description for each of a plurality of different resources, said service description comprising an input processing specification, an Internet resource address, and an output processing specification (col. 4, lines 17-31 and col. 10, lines 3-42: a repository (database) stores a library of logic structures (service description) for storing an identifier of the interface and for string at least one of specifications and references to specifications of a set of one or more transactions supported by the interface, and the logic structures include input document business interface definitions (input processing specification), a network address or location (an Internet resource address), and an output document business interface definitions (output processing specification)),

an executing application program for issuing said request for information from said specified resource (col. 3, lines 1-58: establishing an interface for transactions

comprising a machine-readable specification of an interface which includes a definition

of an input document and a definition of an output document, that are accepted and

produced by transaction processes for which the node acts as an interface, and the

definitions of the input and output documents comprise respective descriptions of sets

of storage units such as a standard XML based document), and

an interface program for receiving said request from said executing application

program via a standard application program interface, said interface program including

(col. 3, lines 1-58 and col. 24, line 56 – col. 25, line 5),

means for retrieving the particular service description for said specified resource

from said database (col. 24, line 56 – col. 25, line 5),

means for processing input data obtained from said executing application in

accordance with the input processing specification contained in said particular service

description for said specified resource to produce a reformatted request (col. 24, line 56

– col. 25, line 5),

means for transmitting said reformatted request to the resource address

contained in said particular service description for said specified resource (col. 24, line

56 – col. 25, line 5);

means for receiving a raw response from said specified resource in response to

said reformatted request (col. 24, line 56 – col. 25, line 5),

means for processing said raw response in accordance with said output

processing specification contained in said particular service description for said

specified resource to produce a reformatted response (col. 24, line 56 – col. 25, line 5), and

means for transmitting said reformatted response to said executing application program (col. 3, lines 4-58 and col. 24, line 56 – col. 25, line 5).

However, Meltzer does not explicitly disclose transmitting said reformatted request to the Internet resource address and receiving a raw response via the Internet. In the same field of endeavor, Call discloses receiving Internet request messages containing all or part of a universal product code and returning the Internet address at which information about the identified product or the manufacturer of that product may be obtained via Internet (Abstract and col. 5, lines 29-42). Since Call discloses a method for communicating between manufacturer and resellers and consumers, which is similar to commercial transactions between customers and suppliers of Meltzer, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Call and Meltzer to include transmitting said reformatted request to the Internet resource address and receiving a raw response via the Internet. Call's system enables the retrieval of information about products from the source of the manufacturer and also provide low cost, worldwide and bi-directional communication between manufacturer and consumers.

12.    As to claim 9, Meltzer and Call disclose registration means for accepting descriptive data from a remote location and for processing said descriptive data to form said service description stored in said database (Meltzer, col. 19, lines 49-64).

13.    As to claim 10, Meltzer and Call disclose wherein in said input processing specification includes the designation of an input adaptor program which, when executed, performs at least some of the processing of said request to produce said reformatted request  (Meltzer, col. 24, line 56 – col. 25, line 5).

14.    As to claim 11, Meltzer and Call disclose wherein said output processing specification includes the designation of an output adaptor program which, when executed performs at least some of the processing of said raw response to produce said reformatted response (Meltzer, col. 24, line 56 – col. 25, line 5).

15.    Claims 6-7 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meltzer and Call as discussed in claims 1-5, 8-16 above, and further in view of Walker et al. (Walker), US Patent No. 6,041,308.

16.    As to claims 6 and 17, Meltzer and Call disclose limitations as discussed above. However, Meltzer and Call do not explicitly disclose wherein said service description as stored in said database further comprises test information consisting of a fixed input value and a fixed output value which enables said service interface program to perform

automatic testing of the described resource by sending said fixed input value to said resource and comparing the resulting output from said resource with said fixed output value. Walker discloses a test is performed to determine if a conditional purchase offer is accepted or rejected, and if it is accepted (fixed input value), then the conditional purchase offer selects one accepting seller and notifies the corresponding seller (fixed output value) (col. 9, lines 17-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Meltzer, Call and Walker to include wherein said service description as stored in said database further comprises test information consisting of a fixed input value and a fixed output value which enables said service interface program to perform automatic testing of the described resource by sending said fixed input value to said resource and comparing the resulting output from said resource with said fixed output value in order to make the system more efficient.

17.    As to claims 7 and 18, Meltzer, Call and Walker disclose wherein said service description as stored in said database further comprises security information for ensuring that a request for output information originates from an authorized source before that request is satisfied (Walker, col. 9, lines 40-52: the processing of accounting transactions between sellers and buyers can be secured in a conventional manner, for example, using well –known cryptographic techniques. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include security

information during the processing of transactions in order to prevent unauthorized users

accessing secure content).

## *Response to Arguments*

In the remarks, Applicant argued in substance that

## The Double Patenting Rejection

18.     The provisional double patenting rejection has been withdrawn necessitated by

the abandonment of copending Application No. 10/120,175.

## The Non-Statutory Subject Matter Rejection

19.     It was a type error in the rejection under 35 U.S.C. 101.  There should not be

claims 29-36 in the rejection; instead they should be claim 1-18.

20.     Applicant argued "claims 1-18 as a whole are directed to methods and apparatus

for performing computer-related processes that are limited to practical applications in

the technological arts and which produce a concrete, tangible and useful result:

permitting executing application programs to obtain and process information obtained

via the Internet from identified remote resources using a standard API that serves such

application program".  In response to this argument, an "application program" is not

limited to a tangible embodiment since the application program requires use of

hardware to accomplish operation steps. Claims 1-18 do not include any hardware such as computer, therefore, claims 1-18 are non-statutory as not being tangible.

A) Meltzer fails to disclose a service interface program that performs the functions set forth in independent claims 1, 8 and 12 (page 14 of the Remarks).

In reply to argument A, Applicant claims "establishing an application program interface for accepting service requests in standard form from said requesting application program" in claim 1, and Meltzer discloses in col. 3, lines 4-58: establishing an interface for transactions comprising a machine-readable specification of an interface which includes a definition of an input document and a definition of an output document, that are accepted and produced by transaction processes for which the node acts as an interface, and the definitions of the input and output documents comprise respective descriptions of sets of storage units such as a standard XML based document.

B) Nowhere does Meltzer suggest that an executing application program first issues a service request that identifies a particular resource, and that an interface program then processes that service request by retrieving a service description from a database and thereafter obtains input information from the requesting application that conforms to the input processing specification contained in the received service description (page 15 of the Remarks).

In reply to argument B, Meltzer discloses in col. 19, lines 16-40: user input identifying a participant, service and document information generated by graphical

interface (application program)), and col. 19, lines 16-40: any referenced logical structures, interpretation information, document definitions and/or service definitions (service description) are retrieved from the repository in response to user input via the graphical interface, and col. 3, lines 4-58: establishing an interface for transactions comprising a machine-readable specification of an interface which includes a definition of an input document and a definition of an output document, that are accepted and produced by transaction processes for which the node acts as an interface, and the definitions of the input and output documents comprise respective descriptions of sets of storage units such as a standard XML based document

C) There is no motivation to combine teachings of Meltzer and Call references.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Call discloses a method for communicating between manufacturer and resellers and consumers, which is similar to commercial transactions between customers and suppliers of Meltzer, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Call and Meltzer to include transmitting said

reformatted request to the Internet resource address and receiving a raw response via

the Internet. Call's system enables the retrieval of information about products from the

source of the manufacturer and also provide low cost, worldwide and bi-directional

communication between manufacturer and consumers.

D) Walker does not teach storing fixed input and output values in a service description,

sending the input value in a request message, and comparing the resulting output value

with the stored output value (page 17 of the Remarks).

In reply to argument D, Walker discloses the offer database 500 maintains a

plurality of records such as an identifier of the buyer, conditions, the buyer-specified

CPO price and current status such as active, accepted, rejected or expired (fixed input

values) (Fig. 5); database 600 maintains seller identifier, required CPO conditions

(output values) (Fig. 6); receiving a CPO (input value) from a buyer a test is performed

to determine if a conditional purchase offer is accepted or rejected, and if it is accepted

(fixed input value), then the conditional purchase offer selects one accepting seller and

notifies the corresponding seller (fixed output value), and by selecting one accepting

seller, the system must compare the CPO (input value from the buyer) to seller's

required CPO conditions) (col. 9, lines 17-64).

21.    Applicant's arguments filed 12/23/2006 have been fully considered but they are

not persuasive. Please see the rejection and response to arguments above.

**THIS ACTION IS MADE FINAL.**   Applicant is reminded of the extension of time

policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.  In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chau Nguyen whose telephone number is (571) 272-

4092.  The examiner can normally be reached on 8:30 am – 5:30 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon, can be reached on (571) 272-4136.  The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.  On July 15, 2005, the Central Facsimile (FAX) Number will change from

703-872-9306 to 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chau Nguyen
Patent Examiner
Art Unit 2176

WILLIAM BASHORE
PRIMARY EXAMINER
3/14/2006